

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
BRUNSWICK DIVISION

CODY BRATCHER & JESSICA  
WHITE AS SURVIVING CHILDREN  
OF DECEASED WILLIE ELMER  
BRATCHER AND CO-  
ADMINISTRATORS OF THE  
ESTATE OF WILLIE ELMER  
BRATCHER

Plaintiffs,

v.

MANUEL GONZALEZ, John Does  
#1-#10, ABC Corporations #1-#10

Defendants.

CIVIL ACTION FILE  
NO.: 2:19-CV-00006-LGW-BWC

**JURY TRIAL DEMANDED**

**FIRST AMENDED COMPLAINT FOR DAMAGES**

COME NOW, CODY BRATCHER and JESSICA WHITE AS SURVIVING CHILDREN OF DECEASED WILLIE ELMER BRATCHER AND CO-ADMINISTRATORS OF THE ESTATE OF WILLIE ELMER BRATCHER (hereinafter “Plaintiffs”), before Manuel Gonzalez has filed an Answer or entered an appearance, and pursuant to Fed. R. Civ. P. 15(a)(1)(B), file this Amended Complaint for Damages against Defendants as follows:

## **PARTIES, JURISDICTION AND VENUE**

1.

This is a lawsuit arising from the death of Willie Elmer Bratcher as the result of a motor vehicle collision that occurred on November 24, 2018 in Jeff Davis County, Georgia.

2.

Plaintiffs are the surviving children of Willie Elmer Bratcher and they are the Co-Administrators of the Estate of Willie Elmer Bratcher, and both Plaintiffs are over the age of 18 and are residents of Jeff Davis County, Georgia. Willie Elmer Bratcher also resided in Jeff Davis County, Georgia, prior to his death.

3.

Defendant Manuel Gonzalez is a foreign national who is temporarily in the United States, he has not been lawfully admitted for permanent residency and he is not domiciled in the United States.

4.

Subject matter jurisdiction is proper in this Court pursuant to 28 U.S.C. § 1332 because Plaintiffs are residents of the State of Georgia and Defendant is a foreign national temporarily in the United States and this is a case for wrongful death so the amount in controversy, exclusive of interest and costs, exceeds \$75,000.00, and

venue is proper in this Court because the motor vehicle accident at issue occurred in Jeff Davis County, Georgia.

5.

Defendant Manuel Gonzalez has already been properly served at the Jeff Davis County Jail located at 4 South Street, Hazlehurst, Georgia 31539.

6.

This Court has jurisdiction over this action and venue is proper in this Court as to Defendants DOE 1 through DOE 10, as well as ABC Corporations 1 through 10.

### **NEGLIGENCE**

7.

Plaintiffs reallege and incorporate herein by reference paragraphs 1 through 6 as if they were fully restated verbatim.

8.

The facts, circumstances and events giving rise to Willie Elmer Bratcher's death occurred in Jeff Davis County, Georgia, on or about November 24, 2018, making personal jurisdiction and venue proper in this Court.

9.

On the night of November 24, 2018, Willie Elmer Bratcher was lawfully traveling in a 2000 Chevrolet S10 on Georgia Hwy 19 near its intersection with Hulett Wooten Farm Road.

10.

On or about the same time, Defendant Gonzalez was driving a 2001 Dodge Ram Truck with unlimited permission of the owner and/or the owner's agents and he made a left-hand turn in-front of Willie Bratcher's vehicle.

11.

Defendant Gonzalez negligently, carelessly and unlawfully operated the vehicle he was driving such that he caused it to collide with Plaintiff's vehicle causing extreme damage to the vehicle operated by Willie Elmer Bratcher.

12.

As a result of the collision, Willie Elmer Bratcher was caused to suffer multiple, significant injuries which caused his death.

13.

Prior to his death, Willie Elmer Bratcher suffered significant pain, suffering and fright.

14.

At all relevant times, Defendant Gonzalez owed certain duties to Willie Bratcher and Defendant Gonzalez violated those duties in many ways, including but not limited to the following:

- a. In failing to yield to Willie Elmer Bratcher prior to turning left in front of Mr. Bratcher's vehicle in violation of O.C.G.A. § 40-6-71;
- b. In failing to keep a proper lookout for other vehicles and oncoming traffic.
- c. In driving his truck with reckless disregard for the safety of persons and/or property;
- d. In driving his truck while unlawfully impaired and intoxicated by alcohol and/or drugs;
- e. In committing other negligent and reckless acts and omissions as may be developed by the evidence and proven at trial;

### **DAMAGES**

15.

Plaintiffs reallege and incorporate herein by reference paragraphs 1 through 14 as if they were fully restated verbatim.

16.

Plaintiffs are entitled to judgment against Defendant Gonzalez for the full value of the life of Willie Elmer Bratcher, including all economic and non-economic

damages, all medical expenses incurred by Willie Elmer Bratcher before his death, funeral expenses and damages for pain, suffering and freight.

17.

Upon information and belief, Defendant Gonzalez was intoxicated and driving under the influence of alcohol and/or drugs at the time of the subject collision which resulted in Willie Elmer Bratcher's death.

18.

Upon information and belief, Defendant Gonzalez received citations arising from this accident for driving under the influence in violation of O.C.G.A. § 40-6-391.

19.

Upon information and belief, Defendant Gonzalez was also charged with vehicular homicide pursuant to O.C.G.A. § 40-6-393.

20.

Defendant Gonzalez's action show a willful, reckless and wanton disregard for life and property and an entire want of care giving rise to a presumption of conscious indifference such that uncapped punitive damages should be awarded pursuant to O.G.G.A. § 51-12-5.1.

WHEREFORE, Plaintiffs prays that they have a trial by jury on all issues and judgment against Defendants as follows:

- a. That process be issued and Defendants be served with the Complaint and Summons;
- b. Plaintiffs demand a trial jury on all issues and claims pled in this lawsuit and any amendments thereto;
- c. That Plaintiffs recover for the full value of the life of Willie Elmer Bratcher in an amount to be determined by the enlightened conscience of a jury;
- d. That the Estate of Willie Elmer Bratcher recover all damages owed to the Estate, including but not limited to all medical expenses incurred by Willie Elmer Bratcher as a result of the accident, funeral expenses and damages for pain, suffering and freight that Willie Elmer Bratcher experienced prior to his death.
- e. That Plaintiff recover punitive damages against Defendant Gonzalez; and
- f. That Plaintiff recover such other and further relief as is just and proper.

This the 19<sup>th</sup> day of March 2019.

MCMICKLE, KUREY & BRANCH, LLP  
/s/ Kevin P. Branch

---

KEVIN P. BRANCH  
Ga Bar No. 111839  
KEN M. BARRE, III  
Ga Bar No. 930966  
*Attorneys for Plaintiffs*

217 Roswell Street, Suite 200  
Alpharetta, GA 30009  
Telephone: (678) 824-7800  
Facsimile: (678) 824-7801

**CERTIFICATE OF SERVICE**

This is to certify that I have this day served a copy of the foregoing **FIRST AMENDED COMPLAINT FOR DAMAGES** by depositing same in the United States Mail in a properly-addressed envelope with adequate postage thereon to:

Inmate No. 2360 - Manuel Gonzalez  
c/o Jeff Davis County Jail  
4 South William Street  
Hazelhurst, GA 31539

This 19<sup>th</sup> day of March, 2019.

/s/ Kevin P. Branch \_\_\_\_\_  
KEVIN P. BRANCH  
For the Firm